



House of Representatives

File No. 760

General Assembly

January Session, 2003

(Reprint of File No. 275)

House Bill No. 6118
As Amended by House
Amendment Schedules
"A", "B", "C" and "D"

Approved by the Legislative Commissioner
May 23, 2003

AN ACT CONCERNING PLACEMENT OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 17a-110 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) As used in this section, "child" means a person under the age of
4 eighteen years; "foster child" means a child placed temporarily in a
5 home, pending permanent placement; "permanent home" means a
6 home for a child with the child's genetic or adoptive parents
7 considered to be such child's permanent residence; [and] "permanency
8 placement services" means services that are designed and rendered for
9 the purpose of relocating a foster child with such child's legal family or
10 finding a permanent home for such child, including, but not limited to,
11 the following: (1) Treatment services for the child and the genetic
12 family; (2) preplacement planning; (3) appropriate court proceedings
13 to effect permanent placement, including, but not limited to, the
14 following: (A) Termination of parental rights; (B) revocation of

15 commitment; (C) removal or reinstatement of guardianship; (D)
16 temporary custody; (4) recruitment and screening of permanent
17 placement homes; (5) home study and evaluation of permanent
18 placement homes; (6) placement of children in permanent homes; (7)
19 postplacement supervision and services to such homes following
20 finalization of such placements in the courts; and (8) other services
21 routinely performed by caseworkers doing similar work in the
22 Department of Children and Families; and "relative" means any person
23 descended from a common ancestor, whether by blood or adoption,
24 not more than three generations removed from the child.

25 (b) At a hearing held in accordance with subsection (k) of section
26 46b-129 and section 17a-111b, the court shall determine the
27 appropriateness of continuing efforts to reunify a child with the child's
28 family. If the court finds that such efforts are not appropriate, the
29 Department of Children and Families shall within sixty days of such
30 finding either (1) file a petition for the termination of parental rights,
31 (2) file a motion to revoke the commitment and vest the custody and
32 guardianship of the child on a permanent or long-term basis in an
33 appropriate individual or couple, or (3) file a written permanency plan
34 with the court for permanent or long-term foster care, which plan shall
35 include an explanation of the reason that neither termination of
36 parental rights nor custody and guardianship is appropriate for the
37 child. The court shall promptly convene a hearing for the purpose of
38 reviewing such written plan. When the court finds that efforts to
39 reunify a child with the child's family are not appropriate, the
40 department shall use its best efforts to maintain such child in the initial
41 out of home placement, provided the department determines that such
42 placement is in the best interests of the child, until such time as a
43 permanent home for the child is found or the child is placed for
44 adoption. The department shall attempt to identify a relative of the
45 child whose home would be an appropriate placement for the child. If
46 the department determines that it is in the best interest of the child to
47 be placed with a relative, the department shall inform such relative
48 regarding procedures required to become licensed as a foster parent. If

49 the child is removed from the home due to suspected child abuse, all
50 children shall be removed from such home and taken into the custody
51 of the Department of Children and Families. If the permanency plan
52 calls for placing the child for adoption or in some other permanent
53 home, good faith efforts shall be made to place the child for adoption
54 or in some other alternative home.

55 (c) Not later than January 1, 2000, the Department of Children and
56 Families shall adopt regulations in accordance with chapter 54 to
57 establish standards for permanency plans which shall include, but not
58 be limited to: (1) Assessment of kin, foster parents or other potential
59 adoptive parents for adopting a child; (2) preparing children for
60 adoption; (3) collaboration between family foster care services and
61 adoption services; (4) transracial and cross-racial adoption; (5) open
62 adoption; and (6) foster care and adoption subsidies.

63 (d) Not later than January 1, 2000, the Department of Children and
64 Families shall, within available appropriations, establish and maintain
65 (1) a central registry of all children for whom a permanency plan has
66 been formulated and in which adoption is recommended, and (2) a
67 system to monitor the progress in implementing the permanency plan
68 for such children.

69 (e) Whenever the Commissioner of Children and Families deems it
70 necessary or advisable in order to carry out the purposes of this
71 section, the commissioner may contract with any private child-placing
72 agency, as defined in section 45a-707, for a term of not less than three
73 years and not more than five years, to provide any one or more
74 permanency placement services on behalf of the Department of
75 Children and Families. Whenever any contract is entered into under
76 this section which requires private agencies to perform casework
77 services, such as the preparation of applications and petitions for
78 termination of parental rights, guardianship or other custodial matters,
79 or which requires court appearances, the Attorney General shall
80 provide legal services for the Commissioner of Children and Families
81 notwithstanding that some of the services have been performed by

82 caseworkers of private agencies, except that no such legal services shall
83 be provided unless the Commissioner of Children and Families is a
84 legal party to any court action hereunder.

85 (f) The Commissioner of Children and Families may accept funds
86 from any source to implement the provisions of this section.

87 Sec. 2. (NEW) (*Effective October 1, 2003*) When an appointment of a
88 guardian ad litem is made pursuant to section 17a-77, 17a-112 or 46b-
89 129a of the general statutes, such guardian ad litem may resign from
90 such appointment for good cause shown if permitted by the judge or
91 family support magistrate that appointed such guardian ad litem.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Children & Families, Dept.	GF - Cost	Potential Significant	Potential Significant
Children & Families, Dept.	GF - Revenue Gain	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires the Department of Children and Families (DCF) to remove all children from a home when one child is removed due to suspected child abuse. A potentially significant cost will ensue to the extent that additional children are put in paid placements under ninety-six hour holds. An average daily cost of \$207, \$200 and \$23.70, respectively, would be incurred for each additional child placed in a safe home, an emergency shelter or a foster home. Any additional state cost would be partially offset to the extent that additional federal reimbursements are collected on behalf of those children who are deemed Title IV-E eligible.

According to data compiled by the federal Administration for Children & Families, a total of 1,240 victims of child maltreatment and 226 non-victims were removed from their homes in Connecticut in 2001.

Provisions in the bill regarding placement of a child with a relative are sufficiently similar to current agency policy so as to preclude a fiscal impact to the Department of Children and Families. The department currently requires that preference be given to relatives

when children are removed from their home.

There were 1,012 children in relative foster care as of April 30, 2003. Per Section 17a-114 CGS, all relative foster parents with whom a child was placed after July 1, 2001, are subject to mandatory foster care licensure after the child has been in placement for ninety days unless granted a waiver by the commissioner.

No fiscal impact is anticipated in response to a provision of the bill, which allows the commissioner of children, and families to accept funds from any source to implement Section 17a-110 CGS. This authority is already granted to the commissioner under Section 17a-18 CGS.

Finally, the bill allows the resignation of a guardian ad litem for good cause shown if permitted by the appointing judge or family support magistrate. No fiscal impact is associated with this change.

House "A" clarifies the original bill by requiring DCF to use its best efforts to maintain a child in his or her initial out of home placement (when reunification with the child's family is not deemed to be appropriate), provided it determines that the placement is in the child's best interest, until a permanent home is found or the child is adopted. This change eliminates the potential significant cost that had been associated with one interpretation of the original bill's language regarding the placement of a child in a residential setting. The amendment's provisions are not anticipated to result in a fiscal impact.

House "B" adds language regarding the resignation of guardian ad litem and has no associated fiscal impact.

House "C" contains provisions that are sufficiently similar to current agency policy so as to preclude a fiscal impact to the department.

House "D" requires DCF to remove all children from a home when one child is removed due to suspected child abuse. This results in the

potentially significant cost and revenue gain discussed above.

OLR Bill Analysis

HB 6118 (as amended by House "A", "B", "C", and "D")*

AN ACT CONCERNING PLACEMENT OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

SUMMARY:

By law, when a child is removed from home and placed in Department of Children and Families (DCF) custody either voluntarily or due to abuse and neglect, a court must hold a hearing nine months after placement and annually thereafter to review the department's permanency plan for the child, or DCF can request a hearing to determine if it should continue to make reasonable efforts to reunite the child with his family. If a court finds at such a hearing that continuing reunification efforts are not appropriate, DCF must either (1) seek to terminate the parents' rights to the child, which makes him available for adoption; (2) move to transfer guardianship of the child to another party; or (3) file a plan for permanent or long-term foster care for the child.

This bill requires DCF to remove all children from a home if it removes one child for suspected abuse. But it appears to apply this requirement only to the reunification determination and permanency planning process.

And, as part of this process, the bill:

1. requires DCF, if the court finds reunification is not appropriate and DCF determines it is in the child's best interests, to try to keep the child in the first location it placed him until he is adopted or a permanent home is found for him; and
2. requires DCF to (a) identify a relative whose home would be an appropriate placement and (b) if such a placement would be in the child's best interests, tell the relative how to become a licensed foster parent.

The bill defines a relative as anyone descended from a common ancestor either by blood or adoption who is not more than three

generations removed from the child.

The bill allows the DCF commissioner to accept funds from any source to (1) facilitate such placements; (2) maintain an adoption registry and permanency plan monitoring system; and (3) contract with private child-placing agencies for permanency placement services, which include treatment services, preplacement planning, recruitment and evaluation of permanent placement, and postplacement supervision.

Finally, the bill allows a guardian ad litem to resign for good cause, if the judge or family support magistrate that appointed him permits it. This applies to a guardian ad litem appointed in cases involving (1) committing children to mental health treatment, (2) giving temporary custody or committing a child to DCF, or (3) terminating parental rights.

*House Amendment "A" requires DCF to try to keep a child in his initial placement until a permanent home is found or he is adopted.

*House Amendment "B" allows guardian ad litem to resign.

*House Amendment "C" requires DCF to try to identify relatives with whom a child might appropriately be placed and inform them how to become foster parents.

*House Amendment "D" requires DCF to remove all children from a home from which it removes one who it suspects has been abused.

EFFECTIVE DATE: October 1, 2003

BACKGROUND

Related Bill

SB 1127 (File 344) repeals the subsection of statute (17a-110(a)) that defines "relative" for purposes of this bill. If both it and this bill pass, the definition would have no effect.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Change of Reference

Yea 11 Nay 2

Human Services Committee

Joint Favorable Report

Yea 18 Nay 0

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0